



Misc
2300 Lake Elmo Drive
Billings, MT 59105

February 12, 2002

TO: Environmental Quality Council
Director's Office, Dept. of Environmental Quality
Montana Fish, Wildlife & Parks

Director's Office
Parks Division
Fisheries Division
Wildlife Division

Lands Section
Design & Construction
Legal Unit
Regional Supervisors

Montana Historical Society, State Preservation Office
Janet Ellis, Montana Audubon Council
Montana Wildlife Federation
Montana State Library
George Ochenski
Montana Environmental Information Center
Wayne Hirst, Montana State Parks Foundation
Bob Harrington, DNRC Area Manager, Southern Land Office
County Commissioners
Allie Wood, USDA Forest Service

Ladies and Gentlemen:


The enclosed draft Environmental Assessment (EA) has been prepared for US Forest Service's replacement of a footbridge crossing the **West Fork of Rock Creek**, and is submitted for your consideration.

Questions and comments will be accepted until March 13, 2002.

If you have questions or need additional copies of the draft EA, please contact Montana Fish, Wildlife & Parks at 247-2940. Please send any written comments to the following address:

Camp Senia Trail Bridge EA
C/O Montana Fish, Wildlife & Parks
2300 Lake Elmo Drive
Billings MT 59105 or
(jdarling@state.mt.us)

Thank you for your interest,


Harvey E. Nyberg
Regional Supervisor

Enclosure

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DEPARTMENT OF FISH, WILDLIFE AND PARKS
1420 E 6th Ave, PO Box 200701 Helena, MT 59620-0701
(406) 444-2535

ENVIRONMENTAL ASSESSMENT

Project Title West Fork Rock Creek Foot Bridge Replacement

Division/Bureau Fisheries/Management

Program Fisheries

Description of Project Installation of two foot bridges totaling 64 ft long spanning the West Fork of Rock Creek to provide access to a cabin and guest cabin. This structure will replace the current "L-shaped" bridge at T7S, R18E, S35, SE1/4, SW1/4, NW1/4.

POTENTIAL IMPACT ON PHYSICAL ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS ON ATTACHED PAGES
1. Terrestrial & aquatic life and habitats			X			I-1
2. Water quality, quantity & distribution			X			I-2
3. Geology & soil quality, stability & moisture				X		
4. Vegetation cover, quantity & quality				X		I-4
5. Aesthetics				X		
6. Air quality				X		
7. Unique, endangered, fragile, or limited environmental resources				X		
8. Demands on environmental resources of land, water, air & energy				X		
9. Historical & archaeological sites					X	

POTENTIAL IMPACTS ON HUMAN ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS ON ATTACHED PAGES
1. Social structures & mores				X		
2. Cultural uniqueness & diversity				X		
3. Local & state tax base & tax revenue				X		
4. Agricultural or industrial production				X		
5. Human health				X		
6. Quantity & distribution of community & personal income				X		
7. Access to & quality of recreational and wilderness activities				X		
8. Quantity & distribution of employment				X		
9. Distribution & density of population & housing				X		
10. Demands for government services				X		
11. Industrial & commercial activity				X		
12. Demands for energy				X		
13. Locally adopted environmental plans & goals				X		
14. Transportation networks & traffic flows				X		

Other groups or agencies contacted or which may have overlapping jurisdiction : US Army Corps of Engineers

Individuals or groups contributing to this EA: None

Recommendation concerning preparation of EIS : None required; no significant impacts

EA prepared by : J. Darling

Date: 2/12/02

COMMENTS

I-1: The installation of four abutments would impact approximately 60 linear feet of bank; the approaches, 20 feet. Riprap reinforcement of the center pier will temporarily disrupt streambed habitat and displace aquatic invertebrates.

I-2: Turbidity will increase slightly during in-stream construction.

I-4: Two 20 ft trees will be removed from the north side of the first bridge approach.

APPENDIX A PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997).

If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

(List any mitigation/stipulations required, or note "None".)

**DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS
UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?**

YES

NO

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Does the action result in either a permanent or indefinite physical occupation of private property? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Does the action deprive the owner of all economically viable uses of the property? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Does the action deny a fundamental attribute of ownership? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is NO , skip questions 5a and 5b and continue with question 6.] |
| <input type="checkbox"/> | <input type="checkbox"/> | 5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests? |
| <input type="checkbox"/> | <input type="checkbox"/> | 5b. Is the government requirement roughly proportional to the impact of the proposed use of the property? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Does the action have a severe impact on the value of the property? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is NO , do not answer questions 7a-7c.] |
| <input type="checkbox"/> | <input type="checkbox"/> | 7a. Is the impact of government action direct, peculiar, and significant? |
| <input type="checkbox"/> | <input type="checkbox"/> | 7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded? |
| <input type="checkbox"/> | <input type="checkbox"/> | 7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question? |

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS AND OTHER WATER BODIES

To reduce paperwork, the agencies listed below have created this joint application form. This is **NOT** a joint permit. In the box below, **check all permits** that apply to your proposed work. After you complete the form, make a copy for each permit checked and sign each copy. **Send one copy with original signatures** to each agency responsible for each permit you have checked. Refer to the "Information for Applicant" sheet on the back of this form or the "Guide to Stream Permitting in Montana," available from participating agencies, for more information.

PERMIT	AGENCY	FEE
<input type="checkbox"/> Natural Streambed & Land Preservation Act (310)	Local conservation district	No Fee
<input type="checkbox"/> Stream Protection Act (SPA124) (for government agencies or government contractors only)	MT Department of Fish, Wildlife & Parks (DFWP)	No Fee
<input type="checkbox"/> Floodplain Permit	County Floodplain Administrator	Varies (\$25-\$400)
<input type="checkbox"/> Section 404/Section 10 Permits	U.S. Army Corps of Engineers (COE)	Varies (\$0-\$100)
<input type="checkbox"/> 3A Authorization	MT Department of Environmental Quality (DEQ)	No Fee
<input type="checkbox"/> Navigable Rivers Land Use License/Easement	MT Department of Natural Resources & Conservation (DNRC)	License \$25-- Easement \$50

NOTE: Other laws may apply. It is **your** responsibility to obtain all necessary permits before beginning work. **Incomplete applications will be rejected.**

1. NAME OF **LANDOWNER** USDA Forest Service

Address Beartooth Ranger District HC 49 Box 3420 Day **Phone** (406) 446-2103

City/State/Zip Red Lodge Montana 59068 Evening Phone _____

2. NAME OF **APPLICANT** (if different from landowner) _____

Applicant is: (check one) Landowner Contractor Other (explain) _____

☒ Government Agency Landowner's Agent (Title) _____

Address _____ Day **Phone** _____

City/State/Zip _____ Evening Phone _____

Has the landowner consented to this project? Yes No

3. ATTACH A **MAP** with directions to locate the site where the work will be done. ☒ Yes, attached.

4. NAME OF **STREAM** OR **WATER BODY** at site location West Fork Rock Creek

Nearest **town** Red Lodge **Location** SE 1/4 SW 1/4 NW 1/4 Section 35, Township 7S, Range 18 E., County Carbon

5. **TYPE OF PROJECT** (check all that apply)

- ☒ Stream Crossing (bridges, culverts, fords)
- Bridge/Culvert Removal
- Road Construction/Maintenance
- Bank Stabilization
- Flood Protection
- Channel Alteration
- Irrigation Structure

- Fish Habitat/Pond
- Recreation (docks, marinas, etc.)
- New Residential Structure
- Manufactured Home
- Commercial Structure
- Improvement to Existing Structure
- Utilities

- Mining
- Dredging
- Core Drill
- Placement of Fill
- Water Well
- Wetland Alteration
- Other _____

6. WHAT IS THE **PURPOSE** of the proposed project?

The proposed action calls for the installation of two glulam bridges approximately 64 feet long installed on a straight approach eliminating the current 'L-shaped' configuration of the old bridge. The bridge decking will be five feet wide with bumper curbs installed. Precast concrete would support the abutments. The first bridge would need an intermediate pier in an overflow channel. The immediate pier would have precast concrete footing and cap with cast in place columns. The bridges are needed to provide access to a Residential Recreation cabin and guest cabin on the south side of the creek.

7. IS APPLICATION for an **annual maintenance permit**? ☐ Yes ☒ No
If yes, an **annual plan of operation** must be attached to this application.

8. PROPOSED **CONSTRUCTION** DATE: Start June / 01 / 2002 Finish July / 01 / 2002
Is any portion of the work **already completed**? ☐ Yes ☒ No If yes, describe the completed work.

9. IN SECTIONS 9(a) through 9(e), DESCRIBE IN DETAIL the **work** you plan to do. Attach additional sheets if necessary.

Attach a plan or drawing of the proposed project. Include (1) the dimensions of the project; (2) dimensions and location of fill or excavation sites; (3) location of storage or stockpile materials; (3) location of existing or proposed structures, such as buildings, utilities, roads, or bridges; (4) drainage facilities. Floodplain permit applicants are encouraged to inquire locally since additional information is required.

The installation of four abutments would impact approximately 60 linear feet of embankment. For the bridge approachments another 20 feet would be needed.

b. How much **vegetation** and what type of vegetation will be removed or covered with fill material?
How will the disturbed area be reclaimed?

The work will be conducted in the existing bridge prism. As a result minimal vegetation cover would be removed. Two twenty-foot trees will be removed from the north side of the first bridge approach.

c. What **materials** will be used, and how much (cubic yards, linear feet, etc., of each)?

Five cubic yard of Riprap rock for the immediate pier.
Two cubic yard of concrete for the abutments and pier

d. What **equipment** will be used for the work?

Track and hand crews.

- e. What **steps** will be taken during and after construction to minimize: (use additional sheets if necessary)

1. Erosion and sedimentation?

Sediment barriers and the use of mats or timbers for walking the hoe in the overflow channel.

2. Stream channel alterations?

All work will be done in the existing bridge prism. The first bridge abutments are places above the high water mark. An intermediate pier will need to be installed. The second bridge current abutments are in the stream flow line and will need to be replaced in the same location.

3. Effects on stream flow or water quality caused by materials used or removal of ground cover?

During removal and installation of the abutments a small amount of sedimentation could occur.

4. Effects on fish and aquatic habitat?

No long-term effects would occur on fish and aquatic habitat

5. Risks of flooding or erosion problems upstream and downstream?

No risk of flooding above or below the project.

10. COMPLETE 10(a) through 10(c) **ONLY** if you are applying for a **FLOODPLAIN OR SECTION 404/SECTION 10 PERMIT**.

- a. Will the project involve placement of **fill material** in a wetland? If yes, describe. How much **wetland** area will be filled? Include a delineation of the wetland boundary and a calculation of the impacted acreage.

- b. List names and addresses of **landowners** adjacent to and across from the project site. (At its discretion, the permitting agency may contact these landowners.)

- c. If you have already applied for any permits, list them and indicate whether they were **issued**, **denied**, or are **pending**.

Application Submittal Information (Send only to those agencies checked on page one of this form.)

310 Permits. Submit three copies of the application form and plans to the conservation district. Nothing additional is required unless specifically requested by the conservation district. **Application review usually takes 30 to 60 days.**

SPA 124 Permits (government projects only). A set of preliminary plans or sketches of the proposed project must accompany the application. (Note: For projects sponsored by the Department of Transportation, two sets of plans must be sent with this form to the Helena DFWP office.) **Application review may take up to 60 days.**

Floodplain Permits. Prior to submitting this application, contact the local floodplain administrator. Permit requirements and fees

SIGNATURES/AUTHORIZATIONS

I certify that the above statements are true and correct. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the landowner. I authorize the inspection of the project site by inspection authorities. Both the landowner and the person doing the work have the duty to comply with the stipulations of all permits and laws.

Signature of Landowner

Date

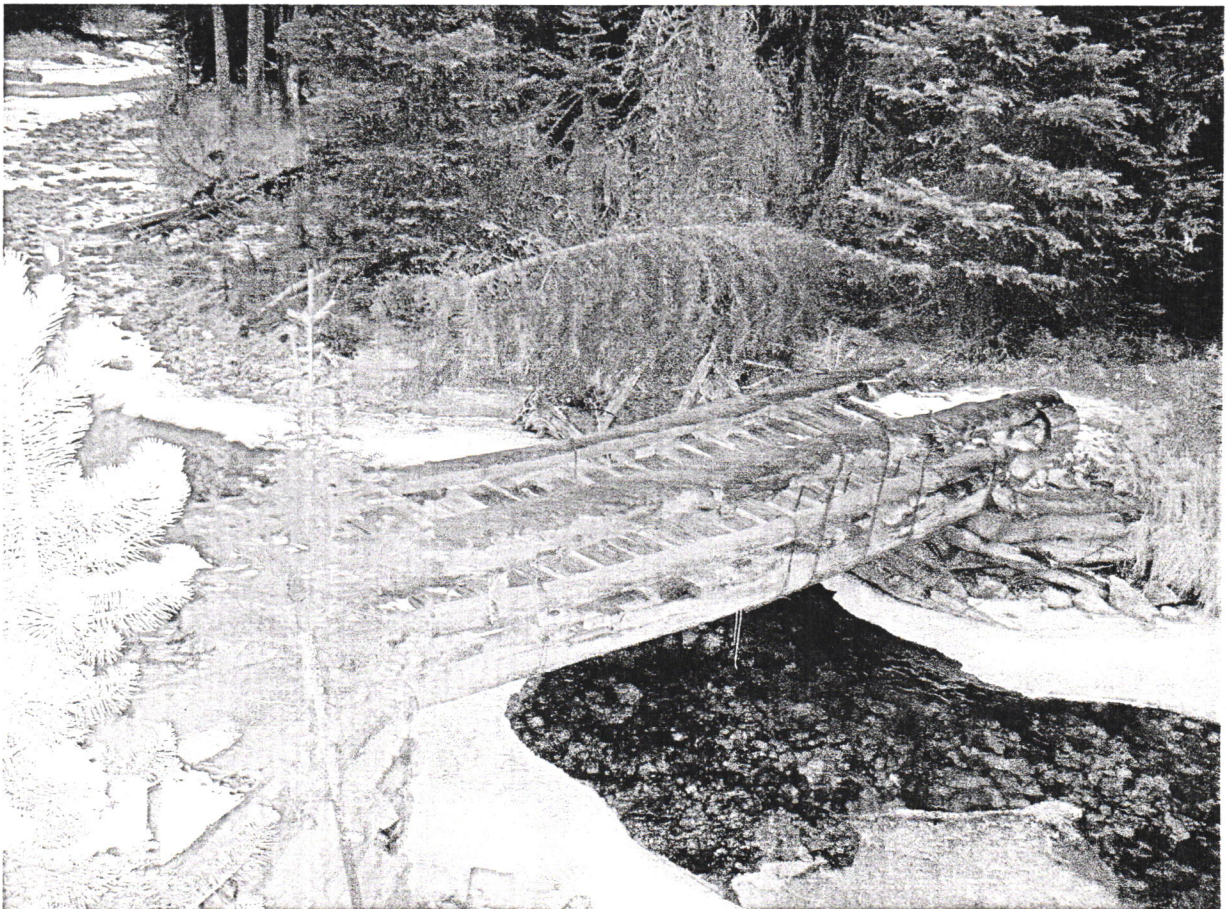
Signature of Applicant

Date

(may be waived by agency for utilities and other easement holders)



FIRST BRIDGE



SECOND BRIDGE